NOT DESIGNATED FOR PUBLICATION

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR 08-251

	Opinion Delivered September 24, 2008
CALVIN CARRICK APPELLANT	APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, [NO. CR-2006-4876]
V.	
STATE OF ARKANSAS APPELLEE	HONORABLE BARRY ALAN SIMS, JUDGE
	AFFIRMED AS MODIFIED

EUGENE HUNT, Judge

Appellant Calvin Carrick was convicted by a Pulaski County jury of three counts of violating Little Rock's abandoned automobile(s) ordinance. On appeal, he argues: (1) that the city code is inconsistent with, and in violation of state law; (2) that the circuit court erred in excluding state law; and (3) that his right to due process was violated. We affirm the trial court. However, we modify the sentence imposed on appellant to reflect the jury's original sentence of $100 per violation.

Appellant was given a notice to comply on September 6, 2006, due to high grass and/or weeds and the presence of abandoned automobiles located at 1909 Johnson. According to the notice, appellant had seven days in which to comply. On September 20, 2006, appellant received citations for being in violation of the clean property/open storage ordinance as well as the abandoned automobile(s) ordinance. Appellant initially appeared in

environmental court where he was found guilty of four violations[1] and fined $800. Appellant appealed to the Pulaski County Circuit Court. Appellant was found guilty on the three abandoned automobile(s) violations and he was acquitted of the clean property/open storage violation. The jury fixed appellant's fined at $100 per violation. The trial court dismissed the jury and increased appellant's fine to $500 per violation. This appeal followed.

It must be noted that appellant failed to cite any authority in support of his arguments. It has been repeatedly held that the appellate court will not consider arguments unsupported by convincing argument or sufficient citation to legal authority. *Omni Holding & Dev. Corp. v. 3D.S.A., Inc.*, 356 Ark. 440, 156 S.W.3d 228 (2004). This alone is sufficient reason not to address appellant's points of appeal. *Id.* In addition, appellant's abstract is deficient and does not comply with the requirements of Rule 4-2 of the Rules of the Supreme Court and Court of Appeals. Pro se appellants are held to the same standard as those represented by counsel. *See Moon v. Holloway*, 353 Ark. 520, 110 S.W.3d 250 (2003). Rather than order rebriefing pursuant to Rule 4-2(b)(3), we instead reach the merits because appellee has provided a supplemental abstract, and we may go to the record to affirm. *See Robinson v. State*, 49 Ark. App. 58, 896 S.W.2d 442 (1995).

Appellant argues that the city code is inconsistent with, and in violation of, state law. Appellant's argument consists of comparing several city and state codes. A review of the record reveals that appellant raised this argument during closing arguments at sentencing.

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[1]One count of violating the clean property/open storage ordinance and three counts of violating the abandoned automobiles ordinance.

Because appellant had already been found guilty of violating the ordinance, the judge did not rule on this issue. Thus, appellant's first argument was not properly raised at trial and is not properly before us. *McMurray v. State*, 101 Ark. App. 361, ___ S.W.3d ___ (2008). It is well settled that an appellant must obtain a ruling on his or her argument to preserve it for appeal. *Jones v. State*, 355 Ark. 316, 136 S.W.3d 774 (2003). If there is not a resolution then the argument is waived and may not be raised on appeal. *Id*. It is the appellant's obligation to obtain a ruling in order to properly preserve an issue for review. *Huddleston v. State*, 347 Ark. 226, 61 S.W.3d 163 (2001).

A review of the record also reveals that appellant's remaining arguments are made for the first time on appeal. It is well settled that we will not consider arguments raised for the first time on appeal. *Thomas v. State*, 93 Ark. App. 425, 214 S.W.3d 863 (2005). Therefore, we affirm the trial court.

Although we affirm appellant's conviction, we are compelled to correct his illegal sentence set forth in the judgment order. The order fined appellant $500 per violation. The jury fixed appellant's fine at $100 per violation. Even though appellant does not challenge the legality of his sentence on appeal, we review problems of void or illegal sentences even if not raised on appeal and not objected to in the trial court. *See Harness v. State*, 352 Ark. 335, 101 S.W.3d 235 (2003). The issue of an illegal sentence is one that this court is obligated to raise *sua sponte*. *See, e.g., Campea v. State*, 87 Ark. App. 225, 189 S.W.3d 459 (2004). A sentence is illegal when the trial court lacks the authority to impose it. *See, e.g., Mayes v. State*, 351 Ark. 26, 89 S.W.3d 926 (2002). If we hold that a trial court's sentence was illegal and that

the error had nothing to do with guilt, but only with the illegal sentence, we can correct the sentence in lieu of remanding. *Harness, supra.*

There is no entitlement to a jury trial in municipal court, but the right remains inviolate when an appeal is pursued to circuit court where the case is tried de novo. *See Edwards v. City of Conway*, 300 Ark. 135, 777 S.W.2d 583 (1989). When a conviction is appealed from municipal court to circuit court, the case is tried de novo, and the appellant is entitled to a trial by jury. *See Weaver v. State*, 296 Ark. 152, 752 S.W.2d 750 (1988); *Johnston v. City of Pine Bluff*, 258 Ark. 346, 525 S.W.2d 76 (1975). If the jury returns a verdict of guilt, it "must affix the punishment if the amount thereof is not determined by law." Ark. Code Ann. § 16-89-126 (c) (Repl. 2005). The jury in this case affixed appellant's punishment at $100 per violation, which it was authorized to do. The trial court subsequently increased appellant's punishment without authorization. This action by the trial court constituted an illegal sentence. *Mayes, supra.* Since the error had nothing to do with appellant's guilt, we correct appellant's sentence to reflect a fine of $300.

Affirmed as modified.

HART and GRIFFEN, JJ., agree.